

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EMERALD M. BAKER,

Plaintiff,

v.

Civil Case No. 18-11234
Honorable Linda V. Parker

CHANTEL ROGERS, ET AL.,

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S MOTION TO REOPEN
CASE AND SECOND REQUEST FOR EMERGENCY TRO AND EX
PARTE ORDER FOR RETURN OF CHILD**

On April 18, 2018, Plaintiff filed this pro se lawsuit against Defendants, claiming that they violated her constitutional rights by removing her children from her care. Plaintiff names sixteen individuals as defendants, identifying one as a Michigan State court referee, but indicates that she plans to add other individuals to the lawsuit. Plaintiff also filed a motion for a temporary restraining order ("TRO"), asking the Court to return her children to her custody.

On April 27, 2018, this Court entered an opinion and order summarily dismissing Plaintiff's Complaint and denying her request for a TRO. As explained in that decision, this federal court lacks jurisdiction to decide custody issues involving Plaintiff's children. In other words, this Court lacks the power to address the relief Plaintiff seeks in her Complaint and return her children to her

custody in contradiction of the state court's removal order. Such decisions must be made in the state courts and any challenge Plaintiff has to the state court's decision must be raised in the state appellate courts or, at last resort, to the United States Supreme Court.

While Plaintiff continues to state that her constitutional rights have been violated, her core complaint in this lawsuit is the removal of her children from her custody. The Court recognizes that the loss of child custody may be devastating to a parent and that Plaintiff's claimed inability to understand the dismissal of this lawsuit makes the situation more frustrating. Nevertheless, the Supreme Court's decisions bar federal courts from interfering in this type of custody dispute which are left to the state courts. That is where Plaintiff needs to bring her grievances.

For these reasons, the Court is **DENYING** Plaintiff's motion to reopen this case and second request for a TRO.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: May 18, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, May 18, 2018, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager